

Michigan Department of Civil Service

# REGULATION

Appointing Authority Letter Reference:	Effective Date:  August 20, 2000	Index Reference:	Regulation Number:  <b>5.10</b>
Issuing Bureau:  Human Resource Services	Rule Reference:  <del>Chapter 5</del> <u>Civil Service Commission Rule 5-10.2(a)(3), (b)(2)(3)</u>		Replaces:  Compensation Procedure 10
Subject:  <b>SICK LEAVE</b>			

## 1. PURPOSE

A. This regulation establishes the standards and procedures for paid sick leave.

## 2. CIVIL SERVICE COMMISSION RULE REFERENCE

### A. Rule 5-10.2 Paid Leave

#### (a) Leave accrual and accumulation.

(3) Sick Leave. A career employee in the classified service is credited with 4 hours of sick leave pay for each completed 80 hours of service. An employee paid for less than 80 hours in a biweekly pay period is entitled to a prorated amount of sick leave. Paid service in excess of 80 hours in a biweekly pay period is not counted.

#### (b) Leave use and limitations.

(2) Crediting and use of sick leave. An employee is credited with sick leave in accordance with the compensation plan. An employee may use sick leave in accordance with the compensation plan. An appointing authority may require an employee to present medical certification of physical or mental fitness to continue working. The appointing authority may require an employee to be examined at state expense by a physician selected by the appointing authority.

(3) Other limitations. Annual, personal, school participation, and sick leave cannot be authorized, accumulated, or credited in excess of limits established in the compensation plan.

## 3. STANDARDS

**A. Crediting and Accumulation** — Every career employee ~~in the classified service shall be~~ credited with four hours of sick leave ~~with pay~~ for each completed ~~eighty (80)~~ hours of service.

1. Paid service in excess of 80 hours in a bi-weekly work period ~~shall~~ is not ~~be~~ counted.
2. When paid service does not total 80 hours in a bi-weekly work period, ~~the employee shall not earn leave credit for that period. Those hours will be carried forward to complete subsequent pay periods where paid service does not total 80 hours~~ leave credits will be pro-rated based on hours in pay status for that pay period.
3. Sick leave ~~shall be~~ is credited at the end of ~~the~~ each bi-weekly work period ~~in which the eighty hours of paid service are completed.~~
4. Sick leave may be accumulated as provided throughout the employee's period of classified service.

**B. Use of Sick Leave**

1. Any use of sick leave by an employee must have the approval of the appointing authority.
2. Sick leave ~~shall be~~ is available for use only in bi-weekly periods subsequent to the bi-weekly period in which it is earned.
3. All sick leave used ~~shall be~~ is to be certified by the employee and by such other evidence as the appointing authority may require. Falsification of such evidence ~~shall be~~ is cause for dismissal.
4. Sick leave ~~shall~~ may not be credited or used in anticipation of future leave ~~credits~~ accruals. In the absence of applicable ~~leave credits~~ accrued leave, compensation reduction for the ~~time~~ lost time shall will be made for the work period in which the absence occurred. The employee may elect not to use annual leave to cover such absence.
5. Sick leave may be used by an employee for:
  - a. Illness, Injury, Serious Health Condition, or Temporary Disability — in the event of personal illness, injury, serious health condition, temporary disability, or exposure to contagious disease endangering others, or for

illness or injury in the immediate family which necessitates absence from work. "Immediate family" in such cases ~~shall~~includes the employee's spouse, children, parents or foster parents, parents-in-law, brothers, sisters, and any persons whose financial or physical care is the principal responsibility of the employee.

- b. Appointments — with a doctor, dentist, or other recognized practitioner to the extent of time required to complete such appointments when it is not possible to arrange such appointments during non-duty hours.
- c. Death — of a relative, or person whose financial or physical care is the principal responsibility of the employee.
- d. Funeral Attendance — of a relative, or person whose financial or physical care is the principal responsibility of the employee.
- e. Disability Payment — in case of work incapacitating injury or illness for which an employee is, or may be eligible for work disability benefit under the Michigan Workers' Compensation ~~Law~~Act, to supplement the employee's disability benefit to a level equal to the employee's regular salary or wage. (See ~~Procedure 14, Page D-94~~Regulation 5.xx, Disability Payment for Duty Incurred Injuries).

### C. Transfers

1. An employee who transfers from one state agency to another and remains in the classified service ~~shall be~~is credited with all earned unused sick leave by the agency to which transferred.

~~2. Classified employees who transfer to excepted or exempt positions shall have their sick leave accrual treated in the same manner as in a leave of absence.~~

~~3.2. Unclassified employees who transfer or return to the classified service shall have sick leave credits earned in the unclassified service credited to classified totals.~~Employees transferring between classified and executive branch unclassified positions will transfer all accrued sick leave.

### D. Separations

1. Employees hired prior to October 1, 1980:

- a. An employee, who separates from the classified service by reason of death or retirement in accordance with the provisions of the State

Retirement Act ~~shall be~~ paid for fifty percent of unused sick leave as of the effective date of separation.

- b. ~~A~~ ~~V~~ yested employees who separates by reason of deferred retirement ~~shall be~~ paid for fifty percent of unused sick leave.
- c. An employee who separates from the classified service for any reason other than retirement or death ~~shall be~~ paid for a percentage of unused sick leave in accordance with the following table of values.

#### Table of Values

##### Payment of Unused Sick Leave at Separation

Sick Leave Balance (hrs)	Percentage Paid
<104	0
104-208	10
209-416	20
417-624	30
625-832	40
>832	50

- d. In case of death, payment ~~shall be~~ made to the beneficiary or estate.
  - e. Payment ~~shall be~~ made at the employee's last rate of pay by the agency from which the employee separates.
  - f. Employees who receive payoffs under these provisions ~~shall~~ are not ~~be~~ entitled to buy back or have unpaid balances of sick leave restored ~~should if~~ they ~~be~~ returned to classified employment.
2. Employees hired on or after October 1, 1980:
- a. Employees who separate from the classified service for any reason ~~shall~~ are not ~~be~~ entitled to pay-off of ~~unused~~ sick leave balances.
  - b. Employees who are rehired or reinstated to a permanent position within three years of separation ~~shall~~ will have their previous sick leave balances restored.

#### E. Recall

1. ~~Unused sick leave balances shall be~~ placed to the credit of a laid off employee upon return to permanent employment in the state classified service.
2. Employees hired before October 1, 1980, who are not recalled to career employment from layoff ~~shall be~~ entitled to a pay-off of unused balances in accordance with the Table of Values at their last rate of pay.

#### F. Leave of Absence

1. ~~Unused sick leave credits shall not be~~ Sick leave balances are not liquidated or paid off at the commencement of any leave of absence.
2. When an employee separates directly from a leave of absence, liquidation or pay off of ~~unused credits shall~~ sick leave will be in the same manner as a laid off employee who does not return.

#### **CONTACT**

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 335-7862 or (517) 373-7618, or MDCS@state.mi.us.

**NOTE:** Regulations are issued by the State Personnel Director under authority granted in the State of Michigan Constitution and the Michigan Civil Service Commission Rules. Regulations that implement Commission Rules are subordinate to those Rules.